IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MRS. JUSTICE K.HEMA

FRIDAY, THE 19TH JANUARY 2007 / 29TH PAUSHA 1928

Crl.Rev.Pet.No. 136 of 2007(B)

CRA.227/2006 of II ADDL. SESSIONS COURT, PALAKKAD
ST.148/2004 of JUDL.MAGISTRATE OF FIRST CLASS COURT, CHITTUR

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REVN. PETITIONER: PETITIONER/APPELLANT/ACCUSED

V.K.KUNJUKUTTAN, S/O. VELAYUDHAN,
AGED 43, C4/367, KARATTUKULAM,
THEKKINKADU, VADAVANNUR, CHITTUR TALUK,
PALAKKAD DISTRICT.

BY ADV. DR.V.N.SANKARJEE

RESPONDENTS: RESPONDENTS/COMPLAINANT

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1. RIYASUDHEEN, S/O. NOORMUHAMMED ROWTHER,
AGED 37, SATHRAVATTARAM, KANALMEDU,
PUDUNAGARAM, CHITTUR TALUK, PALAKKAD DIST.

2. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR(SRI. C.M.KAMMPPU) FOR2
SRI.C.P.PRADEEP FOR R1

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 19/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J.

Crl.R.P. No. 136 of 2007

Dated, this the 21st day of March, 2007

O R D E R

The revision petitioner is the respondent / husband in M.C.No. 107/2005 of Family Court, Kalpetta and under orders to pay maintenance @ Rs. 500/- per month to the wife and two minor children vide the ex parte order. The contention of the revision petitioner is that his wife is living separately without sufficient cause and that he was denied an opportunity to adduce evidence.

2. In the circumstances, the order of the Court below is set aside and the Court below is directed to permit the petitioners to adduce further evidence, if any, and dispose of the case on merits, on condition that revision petitioner deposits the entire arrears due to wife and children and continue to deposit at the above rate and also deposits a cost of Rs. 2,500/- before the Court below within two months from today onwards. The respondent / wife is entitled to withdraw the amount deposited.

The Criminal R.P. is allowed accordingly.

(K.R.UDAYABHANU, JUDGE)

jg